

Be it said and remembered that at 8:30 a.m. on the 21<sup>st</sup> day of April, 2021, there came on and was held a Zoning Board of Adjustment meeting in the Council Chamber, 5<sup>th</sup> Floor, 411 W. 8<sup>th</sup> St., Odessa, Texas.

Due to the COVID-19, the meeting was teleconferenced, as allowed by Governor Abbott's executive order. The Zoning Board of Adjustment was present through teleconference.

MEMBERS PRESENT: Mark Windham, Vice Chairman  
Geraldo Arzate  
Brooke Harper  
Kyle Newton  
Anthony Rios  
Kirk Strahan

MEMBERS ABSENT: Tim Harry  
Priscilla Contreras (Alternate)  
Craig Stoker (Alternate)

OTHERS PRESENT: Randy Brinlee, Director of Development; Lorraine Quimiro, Planning Manager; Tim McDaniel and Maria Prieto, Planners; Jared Aguilar, Planning Tech, and Anne Roney, Secretary.

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Vice Chairman Windham called the meeting to order, with Member Harper giving the invocation.

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The minutes of the February 3, 2021, Zoning Board of Adjustment meeting were approved, motion for approval being made by Member Harper, seconded by Member Rios, with the vote being a unanimous "aye".

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DOCKET NO. 2021-05-V (approved as requested)

Open a public hearing to consider approval of the request of Kent Kwik, owner, Prince Signs, contractor for a variance from Section 14-10-1(d) (1) of the City of Odessa Zoning Ordinance to allow 459 sq. ft. of freestanding identification signage instead of the maximum 220 sq. ft. allowed in a Retail (R) Zoning District, Lot 91, Block 1, Mardi Gras Estates. (8701 NE Loop 338)

Ms. Prieto gave the following presentation: there were 3 notices mailed to surrounding property owners, with no notices returned, 1 written approval and no written protests.

The property involved in this request is located at 8701 NE Loop 338. This site is zoned Retail (R) and is currently under construction for a gasoline service station. The

property has a total lot area of approximately 5.398 acres. Land use in the area consists of commercial and residential development to the west and residential development to the south.

The applicant is Kent Kwik, owner, Prince Signs, agent, and the purpose of the request is to allow 459 sq. ft. of freestanding signs instead of the maximum 220 sq. ft. (55% of the total sign area) allowed. The proposed overall freestanding signs will be approximately 239 sq. ft. more than the allowed 220 sq. ft. maximum allowed. The applicants are proposing the location of the following signs: (see attached site plan)

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|---|-------------|
| A. Freestanding Sign on the Northeast Elevation | 232 sq. ft. |
| B. Freestanding Sign on the East Elevation      | 101 sq. ft. |
| C. Freestanding Sign on the South Elevation     | 101 sq. ft. |
| D. Freestanding LED Sign on the South Elevation | 25 sq. ft.  |

In order to allow the additional sign area, the applicant is requesting a variance from Section 14-10-1(d)(1) of the City of Odessa Zoning Ordinance which states:

- 14-10-1 (d) (1) Individual businesses located on a separate lot or tract shall be entitled to a business identification sign, the maximum area in square feet of which is derived by one and seventy-five hundredths (1.75) times the linear feet of street frontage occupied by a separate business on its own lot or tract, but in no case shall total business sign area for the business or use exceed four hundred (400) square feet.

The following criteria as outlined in the Zoning Ordinance are to be used by the Board of Adjustment in evaluating variance requests. The burden of proof in meeting each of these criteria is upon the applicant.

- A. The variance request is not contrary to the public interest.
- B. Special conditions exist for the applicant that do not generally exist for others.
- C. A literal enforcement of the ordinance will result in unnecessary hardship.
- D. The spirit of the zoning ordinance is observed and substantial justice is done.

Staff analysis of this request is that based on the overall size of the development (5.398 acres) and street frontages involved does create a hardship for the applicant and additional signage is needed to properly identify the products and services. The location and design of the proposed signs is reasonable and not out of scale for this development. With this in mind, the Planning Staff has no objection to this request with the understanding that no additional freestanding signs be allowed for this development and would recommend approval of the request as presented.

There being no questions for City Staff, Vice Chairman Windham opened the public hearing. Mr. Kevin Pryor, representative for Prince Signs, indicated he was available to answer any questions the Board may have. There being no question, Vice Chairman Windham closed the public hearing.

Member Arzate moved the variance be approved as requested. Member Harper seconded the motion, with the vote being a unanimous "aye".

#### FINDINGS OF FACT

The Zoning Board of Adjustment for the City of Odessa finds as a matter of fact that the applicant has sustained his burden of showing that: :

1. The variance request is not contrary to the public interest.
2. Special conditions exist for the applicant that do not generally exist for others.
3. A literal enforcement of the ordinance will result in unnecessary hardship.
4. The spirit of the zoning ordinance is observed and substantial justice is done.

#### ORDER OF THE BOARD

Therefore, the Zoning Board of Adjustment of the City of Odessa acting on the basis of the required concurring vote of four (4) members of the Board hereby orders the variance sought by the applicant in this case be, in all things granted subject to the following appropriate conditions and safeguards, to wit: Approved as requested.

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Mr. Brinlee indicated starting with the next meeting the Board will be resuming meetings in the Council Chambers at City Hall. There being no further business to come before the Board, the meeting was adjourned at 8:36 a.m.

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Anne Roney, Secretary, placed the minutes in the Minute Book on April 21, 2021.

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Mark Windham, Vice Chairman